

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

Dakota Access, LLC,

Plaintiff,

vs.

Dave Archambault II, Jonathan Edwards,
Dana Yellow Fat, Valerie Dawn
Wolfnecklace, Clifton Verle Hollow, Donald
Dennis Strickland, Aaron Gabriel Neyer, and
John and Jane Does,

Defendants.

Case No. _____

**DECLARATION OF PAUL OLSON IN
SUPPORT OF PLAINTIFF DAKOTA
ACCESS, LLC'S MOTION FOR A
TEMPORARY RESTRAINING ORDER**

Paul Olson, declares as follows:

1. I am over the age of 18 and I am fully competent to testify to the matters set forth in this Affidavit.

2. I am a licensed security director and owner of 10-Code Security, LLC.

3. I have worked in roles relating to security as a Bismarck Police Officer and private security firms for more than 24 years. I also have 2600 hours of training that specialize in investigative and enforcement training. Training that includes criminal investigations which include burglary and unlawful entries along. I also have training in the area of court room testimony and court room preparations.

4. 10-Code, LLC was employed by Dakota Access, LLC to provide security for Dakota Access employees and contractors engaged in construction activities for the Dakota Access Pipeline (the "Pipeline") at the construction site approximately 34 miles south of Mandan, North Dakota, on Highway 1806 (the "Construction Site").

5. I was present at the Construction Site August 10 through August 13, 2016, and have also received reports and information from other 10-Code, LLC employees and law enforcement personnel present at the Construction Site during that time.

6. On August 10, 11, and 12, 2016, many individuals protesting at the Construction Site engaged in unlawful behavior that interfered with Dakota Access's construction activities and that posed a substantial risk of harm to those present at the Construction Site, including Dakota Access employees and personnel.

7. For example, on August 10, 2016, Jonathon Edwards chained himself to a fence at the Construction Site to halt the construction activities of Dakota Access.

8. On August 10, 2016, another individual present at the Construction Site had a large knife, approximately twelve inches in length strapped to the side of his hip. He made comments to 10-Code personnel, including that we would not be able to enter or access the Construction site or bury the Pipeline there and that, if we attempted such entry, individuals would get "hurt."

9. On August 10, 2016, another individual present at the Construction Site made a comment about bringing weapons to the Construction Site.

10. Because of Edwards and others' conduct at the Construction Site, and out of concern for the safety of the Dakota Access employees and contractors, we elected to deescalate the situation and notify law enforcement rather than proceed with construction activities.

11. On Thursday, August 11, 2016, approximately 200 individuals were protesting at the Construction Site and at least forty-five law enforcement officers were present. Law enforcement set up a barricaded safe zone using temporary fencing and required the protestors to remain behind the fence. Individuals in the crowd refused to cooperate with law enforcement

and tore down the barricade fencing, causing an uncontained crowd of individuals to swarm the Construction Site. The crowd began to push law enforcement and two arrests were made. According to records obtained from the Morton County Sheriff's Office, Dennis Strickland and Aaron Gabriel were arrested at the Construction site and charged with disorderly conduct.

12. Also on August 11, 2016, two individuals—a male and female—jumped the fence at the Construction Site and rushed toward a Dakota Access contractor's equipment. The male individual held a knife in his hand and had a wood stake. Law enforcement officers chased and apprehended them after they resisted. The male individual identified himself as Jonathon Edwards. Arrest records from the Morton County Sheriff's Office indicate that Valerie Dawn Wolfnecklace and Clifton Verle Hollow were arrested and charged with criminal trespass and fleeing a police officer. Hollow was also charged with preventing an arrest.

13. During the late afternoon of August 11, 2016, six individuals charged law enforcement officers who were holding the barricade line and were arrested.

14. As a result of the conduct of the protestors at the Construction Site, and out of concern for the safety of those present at the Construction Site, we elected to deescalate the situation and rather than proceed with surveying the Construction Site.

15. On August 12, 2016, there were approximately 350 individuals were protesting at the Construction Site, including the Council Chairman for the Standing Rock Sioux Tribe, who was arrested at the Construction Site.

16. By the afternoon of August 12, 2016, the crowd greatly outnumbered law enforcement and there was potential for the crowd to continue expanding. Out of concern for safety, the Morton County Sheriff's office decided to evacuate the Dakota Access employees and contractors at the Construction Site. As the Dakota Access employees and contractors began

exiting, a crowd of protestors broke through the law enforcement barriers and began to push law enforcement backwards. The crowd threw bottles and rocks at the exiting vehicles. Some individuals from the crowd surrounded and blocked the last vehicle, which belonged to a Dakota Access contractor. These individuals had to be removed to allow the vehicle to exit the Construction Site onto Highway 1806. The vehicle was dented from kicking and/or items thrown at it.

17. After the Dakota Access employees and contractors exited the Construction Site, the crowd overran the law enforcement, entered onto the private property at the Construction Site and tore out stakes, broke posts, and ripped off gates. Law enforcement retreated from the area, leaving the Construction Site unsecured.

18. Throughout August 11 and August 12, 2016, we heard from the crowd threatening to bring weapons and use force or violence against law enforcement officers or Dakota Access representatives. On August 11, 2016, an individual in the crowd claimed that he considered the “White United States” to have declared an act of war and that “force would be met with force.”

19. Dakota Access representatives also have received threats via email. On August 12, 2016, a Dakota Access representative received an email from an unknown individual with an email address attributed to David Bowen, using foul language and stating, “Hope you end up killingg [*sic*] yourself . . .” The email was anonymously signed “Concerned Citizen.”

20. On August 13, 2016, the protesting continued at the Construction Site and south of the Construction Site on Highway 1806, even though Dakota Access was not engaged in any construction activities. At one point, a large group of individuals proceeded to block traffic by traveling north on foot on Highway 1806 for approximately two miles from the Cannon Ball Bridge to the Construction Site.

21. Based on the statements of the protestors and social media posts, we expect that hundreds or potentially thousands of individuals will be at the Construction Site on Monday, August 15, 2016, to continue protesting the Pipeline.

22. The statements contained in this Declaration are offered in support of Dakota Access's Motion for a Temporary Restraining Order.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 15, 2016.

/s/ Paul Olson

Paul Olson

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